

town of only 300 people. He is exploring the possibility of opening a second facility soon in another town in order to hire new workers and take advantage of new international trade opportunities.

In addition to creating jobs and opportunities for South Dakota families, Randy has served on the Geddes City Council. He is a volunteer firefighter and emergency medical technician. He is also a black belt karate instructor.

In South Dakota, small business has always been big business. This week, as we celebrate Small Business Week in our State, I commend the Small Business Administration for the partnerships it is forging with South Dakota business owners. And I offer my congratulations to Randy Boyd for his hard work and his outstanding contributions to his community.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, it doesn't require one to be a rocket scientist to realize that the U.S. Constitution forbids any President's spending even a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that the Founding Fathers, two centuries before the Reagan and Bush Presidencies, made it very clear that it is the constitutional duty of Congress to control Federal spending—which they have not for the past 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at \$4,855,154,897,104.21 as of the close of business Wednesday, May 3. This outrageous debt—which will become the debt of our children and grandchildren—averages out to \$18,430.25 on a per capita basis.

TRIBUTE TO TRACY CROWLEY

Mr. BUMPERS. Mr. President, I rise today to pay tribute to a member of my staff who is leaving Washington to return to her home State of Connecticut, Tracy Crowley. Tracy came to Washington 12 years ago to work for the Small Business Committee, which at the time was chaired by Senator Lowell Weicker. I was fortunate that Tracy remained with the committee when I became chairman in 1987. In 1991 she joined my personal staff and has been a valuable member of the office for the last 4 years.

Mr. President, those of us fortunate to serve in the Senate are often blessed with loyal and dedicated staff that make us look good. However, very rarely do we show the gratitude that these staffers deserve. The hours are long, the pay, in comparison to the private sector, is not very good and the working conditions can be difficult.

There is no one on my staff that has been more dedicated or worked longer and harder than Tracy Crowley. Although she is not a native of Arkansas, she treated each and every appropriations project with great tenacity, fighting to make sure that the interests of Arkansans were preserved. There is not a fish farmer, park superintendent, forest ranger or environmentalist in the State of Arkansas that does not owe Tracy Crowley a great debt for her work on the annual Interior appropriations bills.

Twelve years is a long time for anybody to work in one place. For a congressional staff person, 12 years of service is above and beyond the call of duty. Mr. President, while I am sorry Tracy is leaving the office, I know that she will have great success in her future endeavors and I wish her the best. All of those who have worked with Tracy, and those she has so ably served in Arkansas and throughout the Nation, will miss Tracy greatly.

Mr. President, I know that you and the entire body wishes Tracy well.

OBSERVATIONS ON AGRICULTURE

Mrs. MURRAY. Mr. President, I have just returned from a trip through the agricultural region of my State and the farmers I represent are very worried about their own future and the future of their industry. By any measure, American farmers are one of this country's success stories. They have provided their fellow citizens with a stable food supply that is both safe and affordable. In fact, Americans pay less for food than any other industrialized nation in the world. They have also produced enough food to feed the world's hungry and are one of the few sectors of our economy that has consistently registered a positive balance of trade. Their success, however, seems to get lost in the discussions here in Congress and the political rhetoric of the Nation.

I visited with farmers in Pullman, Colfax, Walla Walla, and Moses Lake and they do not feel that the rest of the country or the U.S. Congress appreciates their efforts. After reviewing the spate of proposals advanced this Congress, I am forced to agree with them. There seems to be a misconception around here that farmers are the only beneficiaries of the commodity programs. Nothing could be further from the truth. In exchange for income protection, the farmers that sign up for the program agree to accept production controls and numerous other guidelines and regulations on the operation of their farms. While these conditions were often put in place to achieve a specific public policy goal, it is important to remember that it is an additional cost to farmers and it is a cost they will not be able to recoup from the sale of their commodity.

Because wheat farmers face many difficulties in providing the rest of us with our food, it is easy to understand

why almost 90 percent of them in Washington State sign up for the program. In addition to a regulatory environment that they often consider unfavorable, they face unfair trading practices by our competitors, nontariff trade barriers, escalation costs, and a price that is too low to cover their costs of production. On top of all this, weather conditions often wreak havoc on all the producers' hard work. Every economic analysis I have seen paints a very bleak picture of the future of rural America. I believe the conditions of American agriculture justify our continued support of the commodity programs, the export promotion programs, and the conservation programs.

The gloomy conditions in farm country are not the only reason to support these programs, however, and I am here talking on the floor of the Senate because I believe all Americans are well served by these programs, not just farmers. In my State, many of the jobs in urban areas depend on the exports provided by agriculture. If we, as a nation, wish to continue to guarantee that we have a stable food supply and continued economic growth in our cities, it is in our interest to continue to adequately fund this Nation's agricultural program. I know that I will have to continue to make that point in the urban areas of my State as well as here in Congress so that there will be a greater understanding of just how critical our agricultural industries are to all of us. We need to keep these things in mind as we consider the budget, the farm bill, and other legislation that impacts farmers.

ISRAELI INDEPENDENCE DAY

Mr. PRESSLER. Mr. President, I am pleased to join my colleagues and millions around the world in celebrating Israel's 47th year of independence. Israel's rapid economic progress and strength are testimony to the vigilance and determination of the Jewish people.

As we celebrate nearly five decades of Israeli autonomy, we call to mind the many of today, yesterday, and centuries past who share a common bond: The dedication of their lives to establish and maintain a country that every Jewish person can call home. As Israeli President Ezer Weizman recently stated, "The State of Israel achieved its position due to the fact that its people aimed for peace and fought for it, despite all difficulties." For the Jewish people, adversity has served as an incentive rather than a deterrent. According to Prime Minister Shimon Perez, "Israel will continue her quest for peace. At the same time, she will fight those who fight peace." As friends, the people of the United States salute the conviction and perseverance the Jewish people as we, on this occasion of independence, reaffirm our shared belief in Israel's sovereignty.

The tiny democracy of Israel thrives in a region historically barraged with

anti-Western sentiment. Since its inception, Israel has experienced regional opposition from dictators such as Egypt's Gamal Abdel Nasser and Iraq's Saddam Hussein. Yet Israel has flourished amidst such hostility. Through open, democratic elections, majority rules representation, and the support of her allies, Israel has proven that a democracy can succeed in a region of otherwise undemocratic nations. Today we applaud the tenacity and the vision of the Israeli people and their success in making democracy work for nearly half a century.

Israel's charter reads that the new state "will rest upon the foundation of liberty, justice, and peace as envisioned by the prophets of Israel, and that it will be loyal to the principles of the United Nations Charter." Almost immediately, President Truman recognized the similarity between the United States Constitution and the Israeli proclamation and became the first foreign leader to endorse the newly formed state. With the help of allies like the United States and the path-breaking leadership of individuals such as Menachim Begin and Former Egyptian President Anwar Sadat, Israel has been able to maintain and even expand its strategic alliances throughout the world.

Mr. President, the State of Israel has made tremendous progress over the past 47 years. Israel has emerged as a scientific and technological leader. Last year, the Israeli economy grew more than 7 percent—a growth rate higher than the more advanced economies. This is clear evidence of Israel's commitment to progress, and the willingness of countries all over the globe to recognize Israel as a viable trade partner. The Israeli people have repeatedly looked beyond the events of the day and maintained a focus on the need building a strong scientific and technological base. Neither terrorism nor war has diminished their desire to maintain a strong, independent nation.

Without a doubt, the people of Israel could not have flourished so quickly without the support of friends and family living abroad. By conveying their support for Israel, Jewish people living in the diaspora have demonstrated their commitment to a Jewish homeland. Israeli Foreign Minister Shimon Peres recently stated that, "No nation has been helped as much by its brothers and sisters." Americans of all religions and creeds are brothers and sisters of the people of Israel. Our nations share a bond of similar values. Our experiences are their lessons. Israel and the United States of America have demonstrated that a democratic society can withstand the forces of hate, oppression, and terror. That is why we have embraced Jews living within this Nation and have pledged our support to their homeland.

In spite of a housing shortage, Israel maintains an open door to Jewish immigrants. The Israeli Government has made it clear that it will not refuse the

admission of Jewish immigrants due to external political pressures. To do so would contradict a major principle of the Jewish faith—that "all Jews are responsible for one another." President Weizman recently reaffirmed this belief by insisting that, "The significance of sons and daughters coming to Israel in large numbers to feel and breathe the atmosphere cannot be overemphasized. Israelis, on their part, will take them to their hearts." This long-standing policy has been a beacon of hope for the 600,000 Soviet and 50,000 Ethiopian Jews who fled their besieged countries and settled in their new homeland.

Today's celebration of Israeli independence should bring to mind the determined spirit of the Jewish people. After centuries of struggle and persecution, the Jewish people finally have a cultural, political, and religious sanctuary. To our friends in Israel, we Americans share in your continuing efforts to achieve regional peace and the further economic progress of your homeland. The celebration of Israeli independence is a celebration of the permanence of democracy. We recognize that no force can defeat your spirit of self-determination. In the words of Foreign Minister Shimon Peres, "neither war nor holocaust nor threats nor animosity could cut the energy of your people."

Mr. President, today is a great day for all Jewish people and all people in democratic societies. The nation of Israel stands as a great tribute to the fortitude of the human spirit. I am pleased to join with my colleagues in wishing the Jewish people, especially those in my home State of South Dakota, a happy and peaceful 47th Yom Ha'atzmaut.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

COMMONSENSE PRODUCT LIABILITY AND LEGAL REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 956, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Gorton amendment No. 596, in the nature of a substitute.

(2) Abraham amendment No. 600 (to amendment No. 596), to provide for proportionate liability for noneconomic damages in all civil actions whose subject matter affects commerce.

(3) Kyl amendment No. 681 (to amendment No. 596), to make improvements concerning alternative dispute resolution.

(4) Hollings amendment No. 682 (to Amendment No. 596), to provide for product liability insurance reporting.

Mr. GORTON. Mr. President, I yield 10 minutes to the Senator from Arizona.

Mr. KYL. Mr. President, I thank the Senator from Washington for yielding. First, I want to begin by saying that the comments of the Senator from Georgia just now are right on the mark in terms of the amendment that we will be voting on. I certainly subscribe both to what he said and what the Senator from Washington has previously said about this.

My conversation, Mr. President, this morning, has to do with a very specific amendment which we will be voting on, the Kyl-McCain amendment, which will have the effect of striking section 103 of H.R. 956.

This amendment preserves State law on alternative dispute resolution procedures and ensures the plaintiffs and defendants are treated equally through the ADR, or alternative dispute resolution process.

The amendment strikes section 103, which says when alternative dispute resolution procedures are employed, these procedures are enforceable only against the defendant, not against the plaintiff. Currently, of course, under the State laws under which this would be applied, ADR provisions are equally applicable to the plaintiffs and to the defendants. Of course, it should remain that way.

Mr. President, a fundamental tenet of American jurisprudence is that all parties go into court with equal rights. As a matter of fact, Americans, I submit, would not submit their disputes, their lives, and their fortunes to a decision by the judge or a jury if they knew that the deck was stacked against them when they began.

That is precisely what this section 103 of the bill does today. That is why we are striking this section.

What this section says is that when a State has an alternative dispute resolution procedure, the parties may use it. Well, that adds nothing to current law. That is the law of the States. Parties can take advantage of those alternative dispute procedures, and they should.

As a matter of fact, we are trying to encourage more alternatives to proceeding through the actual trial of the case. The second part of section 103 provides for the notice by one party or the other that that party wants to invoke those procedures. Again, this amendment or this bill changes nothing in that regard.

The part that changes the law and that we wish to strike is titled "Defendant's Penalty for Unreasonable Refusal," meaning unreasonable refusal to go through the alternative dispute resolution process. Defendant's penalty; there is no concomitant plaintiff's penalty.

In other words, the authors of this section have provided that, although